

**DOPHE 136**  
**HAZARDOUS MATERIALS**

**SW/1.1./1378**



**BOX#**

**008 SW-8676**

ADM Conservation Services Inc/CSI  
**Conservation Services Inc/CSI**

4/8/1999

ADM

Solid Waste - Correspondence - General - Los Alamos National  
Laboratory (LANL) Ash Disposal Request - 1999

**SW/1.1./88-04**



**SW/1.1./1325-01**

# STATE OF COLORADO

Bill Owens, Governor  
Jane E. Norton, Executive Director

*Dedicated to protecting and improving the health and environment of the people of Colorado*

HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION  
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Colorado Department  
of Public Health  
and Environment

December 7, 1999

Constance L. Soden  
U.S. Dept. of Energy  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, NM 87185-5400

Re: Request to Dispose Plutonium Containing Incinerator Ash at CSI Landfill  
SW ADM CSI 4AL

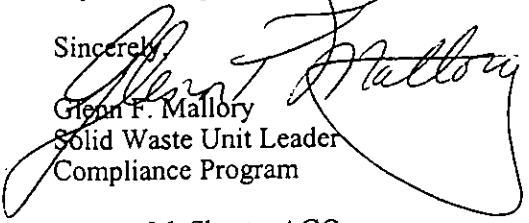
Dear Ms. Soden:

I am responding to your October 19, 1999-letter regarding our denial of your agency's request to dispose plutonium containing incinerator ash from Los Alamos National Laboratory at CSI Landfill in Colorado. Entering into our determination and denial of the disposal request has been a review of the data submitted by your agency, and Colorado laws and regulations regarding radioactive waste and solid waste. As expressed in Mr. Laux's August 18, 1999-letter denying your agency's request for disposal of this material any landfill in Colorado must be designated to receive radioactive wastes per 30-20-110(c), C.R.S. CSI Landfill is not so designated. Materials have been assessed on a case-by-case basis to determine if they contain radioactive material and a recommendation for approval or denial is then made by the Department. The local governing body having jurisdiction may then either approve or deny the disposal of the material proposed to be disposed. Based on our regulatory analysis the denial for disposing of this material stands. Requests for disposal of other materials will be reviewed on a case-by-case basis.

Further, landfills in Colorado are required to submit a waste characterization plan (30-20-110(g) C.R.S and 6 CCR 1007-2, section 2.1.2 (C and D)) to enable them to deal with specific waste streams. The landfill in question has not submitted such a plan to enable it to deal with the various types of radioactive materials that have been allowed under case-by-case approval over the years. Until this is done and approved for the selected disposal facility this material will not be allowed to be disposed of there.

If you have questions regarding this matter, I may be reached at 303/692-3445.

Sincerely,

  
Glenn F. Mallory  
Solid Waste Unit Leader  
Compliance Program

cc M. Sheets, AGO  
BOCC, Adams County  
B. Wilson, TCHD  
C. Reilley, WM-CSI  
C. Tessmer, Adams County  
B. Quillin/T. Pentecost, CDPHE-LARS

ADM

Conservation Services Inc/CSI

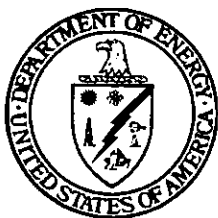
12/7/1999

Solid Waste - Correspondence - General - Response to 10-19-99 Letter  
Regarding Denial of Request to Dispose of Plutonium Containing  
Incinerator Ash

SW/1.1./1378



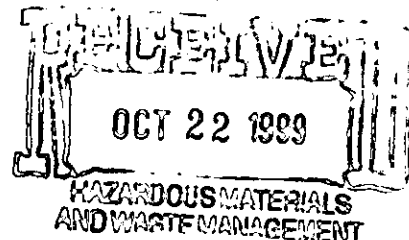
SW/1.1./88-04



U.S. Department of Energy  
Albuquerque Operations Office  
P.O. Box 5400  
Albuquerque, NM 87185-5400

October 19, 1999

SW/ADM/CSI-4AL



J. Peter Laux  
Geologist  
Solid Waste Unit  
Compliance Program

Dear Mr. Laux:

We would like to take this opportunity to respond to your letter of August 18, 1999 (re: Denial of Concurrence to Dispose of Incinerator Ash Waste Containing Plutonium from Los Alamos National Laboratory (LANL), at CSI Landfill, Adams County, Colorado) and clarify certain issues. We would also like to take this opportunity to ask additional questions of your organization.

The first of these issues is the proper designation of wastes evaluated to be releasable under DOE policies.

In determining if a waste stream contaminated with residual radioactive material can be released DOE has established a policy to evaluate, on a case-by-case basis, the potential dose from the proposed release of volumetrically contaminated material. If the analysis indicates that the dose would be sufficiently low, the DOE will allow the disposal of the material, provided the intended receiving facility and local regulators allow for the receipt of the material.

Because of confusion in the proper designation of such material, the Department of Energy issued a technical position paper (RCTP 97-E01, attached) entitled "Appropriate designation of property containing residual radioactive material meeting DOE-approved Limits for release". In this position paper, DOE recognizes it is inappropriate to classify material as "Non-radioactive" yet equally inappropriate to classify these materials as "low-level radioactive waste". The technical position paper suggests wording such as: "Waste certified not to contain radioactive material in excess of Authorized Limits for unrestricted release."

It is DOE's technical opinion that any generic restriction on disposal of materials contaminated with radioactive substances would preclude disposal of all materials, soils for example. Consequently, DOE requests you reconsider your decision to deny disposal of the Incinerator Ash in the CSI landfill.